IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 10665 of 2004(T)

PETITIONER:

**K.MURALEEDHARAN PILLAI, AGED 42 YEARS,
S/O. KRISHNAN NAIR, RESIDING AT TAPSYA, VETTUVENI,
HARIPAD P.O., ALLEPPEY DISTRICT, PIN-690514**

BY ADV. SRI.S.SREEKUMAR

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY ITS SECRETARY, REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT, TRIVANDRUM.**
2. **THE REVENUE DIVISIONAL OFFICER, CHENGANOOR.**
3. **PALLIPADU GRAMA PANCHAYAT, REPRESENTED BY SECRETARY, PALLIPADU P.O., ALAPPUZHA DISTRICT, PIN-690 512**
4. **ASSISTANT EXECUTIVE ENGINEER, PAMBA IRRIGATION PROJECT (KADA) MAVELIKKARA.**
5. **VIJAYA KUMAR, VINEESH BHAVAN, VETTUVNI, HARIPPADU P.O., ALAPPUZHA.**

**BY ADV. SRI.M.R.RAJENDRAN NAIR
SRI.M.R.SUDHEENDRAN
SRI.HARIRAJ
SRI.SURAJ.S
SRI.V.A.MUHAMMED
SRI.K.E.HAMZA
SRI.T.V.VIJAYARAJAN
SRI.M.SAJJAD**

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.10665/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE SKETCH SHOWING THE LIE OF CANAL, PWS ROAD.

EXT.P2:- COPY OF THE SKETCH SHOWING THE ROAD VESTED WITH THE PANCHAYAT.

EXT.P3:- COPY OF THE REGISTER MAINTAINED BY THE PANCHAYAT.

EXT.P4:- COPY OF THE PROJECTS FOR THE YEAR 1998-99 OF THE 3RD RESPONDENT PANCHAYAT.

EXT.P5:- COPY OF THE MINUTES BOOK OF 3RD RESPONDENT PANCHAYAT .

EXT.P6:- COPY OF THE REPRESENTATION DT. 12.8.03 TO THE 2ND RESPONDENT.

EXT.R5(1):- COPY OF THE SALE DEED NO.554/88 DT. 18.3.88 OF HARIPAD SUB REGISTRY.

EXT.R5(2):- COPY OF THE NOTICE DT. 1.8.01.

EXT.R5(3):- COPY OF THE RECEIPT DT. 2.7.02.

/TRUE COPY/

P.A. TO JUDGE

tzss

KURIAN JOSEPH J.

Writ Petition (Civil) No.10665 of 2004

Dated 26th November, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayer :-

> "Issue a writ of mandamus or other writ order or direction compelling the respondents 1 to 4 to restore Canal Junction Thanolil Junction road and Kottakattu Junction Thalathottu Kshethram road to its original position as provided in Exts.P1 and P2 sketch after removing the encroachment."

It is submitted that the petitioner has submitted Ext.P6 representation before the second respondent. It is seen from the counter affidavit that the third respondent Panchayat also has approached the second respondent. There will be a direction to the Revenue Divisional Officer to take a decision on the representation filed by the Panchayat, and in the process, consider the representation filed by the petitioner also, and take appropriate action thereon in accordance with law with notice to the petitioner, respondents 3 and 5 and other affected party, if any, within six months from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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